

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEM, METHOD, AND APPARATUS FOR PORTABLE DESIGN, DEPLOYMENT, TEST, AND OPTIMIZATION OF A COMMUNICATION NETWORK

he specifica	tion of which:			
(check one)	■ is attached hereto			
,	□ was filed on	, as		
	Application Serial No			
	and was amended on			
	(if applicable)			
	reby stare that I have reviewed and under by any amendment referred to above.	erstand the contents of the above identit	Sed specification, inclu	ding the claims.
	knowledge the duty to disclose information of Federal Regulations, § 1.36°	tion which is material to the examination	n of this application in	accordance with
Title 37, Cod I he inventor's co		er Title 35, United States Code, § 119 of diffied below any foreign application for	any foreign application	n(s) for patent or
Title 37, Cod I he inventor's ce filing date be	te of Federal Regulations, § 1.56* Treby claim foreign priority benefits under this case listed below and have also identificate listed below and have also identificate.	er Title 35, United States Code, § 119 of diffied below any foreign application for	any foreign application	n(s) for patent or
Title 37, Cod I he inventor's ce filing date be	tie of Federal Regulations, § 1.36* reby claim foreign priority benefits under this case listed below and have also identered that of the application on which properties of the application of the applic	er Title 35, United States Code, § 119 of diffied below any foreign application for	any foreign application patent or inventor's car priority	n(s) for patent or
I he inventor's ce filing date be	the of Federal Regulations, § 1.36* The reby claim foreign priority benefits under this case listed below and have also idented fore that of the application on which properties of the application of the	er Title 35, United States Code, § 119 of diffied below any foreign application for iority is claimed:	any foreign application patent or inventor's car priority claimed	n(s) for patent or

I hereby claim the benefit under Title 35, United States Code, § 119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, \$ 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: parented, pending, abandoned)
(VODITE OFFICE TANK)	(2 11 mg ====)	(

Power of Attorney: As a named inventor, I hereby appoint C. Lamont Whitham, Reg. No. 22,424, Marshall M. Curtis, Reg. No. 33,138, Michael E. Whitham, Reg. No. 32,635 and Joseph M. Martinez de Andino, Reg. No. 37,178 as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to McGuire Woods, 1750 Tysons Boulevard, Suite 1800, Tysons Corner, McLean, Virginia 22102-3915. Telephone calls should be directed to McGuireWoods, LLP at (703) 391-2510.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole
or First Inventor: Theodore S. Rappaport
Inventor's Signature Date: July 28, 2000
Residence: 1770 St. Andrew's Circle Blacksburg, VA 2406 Pendleton Drive SALEM, VA 24153
Citizenship: <u>United States of America</u>
Post Office Address: Same as above
Fall Name of Second
Joint Inventor: Brian T. Gold
Inventor's Signature Date: Tury 25, 2000
Residence: 610 Green Street, Blackshurg, VA 24060
Citizenship: United States of America
Post Office Address: Same as above
·
Full Name of Third
Joint Inventor: Roger R. Skidmore
Inventor's Signature Date: Suly 28, 2000
Residence: 407 Hunt Club Erive 371, Blacksburg, VA 24060
Citizenship: United States of America
Post Office Address: Same as above

*Title 37, Code of Pederal Regulations, § 1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability: or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.

UTILITY PATENT AT LICATION TRANSMITTAL (Small Entity)

Docket No. 02560028AA

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages in this Submission

Accompanying Application Parts (Continued)								
15.	15.							
16.	X	Small Entity Statement(s) - Specify Number of Statements Submitted:1						
17.		Additional Enclosures (please identify below):						
			-	Fee Calcula	tion and Trai	nsmittal ———————————————————————————————————		· · · · · · · · · · · · · · · · · · ·
				CLAIMS /	AS FILED			
	For		#Filed	#Allowed	#Extra	Rate		Fee
Fotal (Clain	1 S	50	- 20 =	30	× \$9.00		\$270.00
ndep.	Clai	ms	3	- 3 =	0	× \$39.00		\$0.00
Multip	le De	ependent C	laims (check	if applicable)				\$0.00
BASIC FEE \$345.00								
OTHER FEE (specify purpose) \$0.00								
						TOTAL FILIN	G FEE	\$615.00
 A check in the amount of \$615.00 to cover the filing fee is enclosed. The Commissioner is hereby authorized to charge and credit Deposit Account No. 23-1951 as described below. A duplicate copy of this sheet is enclosed. □ Charge the amount of as filing fee. ☑ Credit any overpayment. ☑ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17. □ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b). 								
Dated: July 28, 2000 Signature Michael E. Whitham Reg. no. 32, 635 McGuireWoods, LLP Reston International Center 11800 Sunrise Valley Drive, Suite 900								
CC:	Reston, VA 20191 (703)391-2510							

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I hereby declare that I am the owner of the small business concern identified below: (check an official of the small business concern empowered to act on behalf of the concern identified one) below: NAME OF CONCERN Wireless Valley Communications, Inc. ADDRESS OF CONCERN 104 Hubard Street, Blacksburg, Virginia 24060 I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.R.R. §121.3-18, and reproduced in 37 C.P.R. §1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third part or parties controls or has the power to control both. I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled _SYSTEM, METHOD, AND APPARATUS FOR PORTABLE DESIGN, DEPLOYMENT, TEST, AND OPTIMIZATION OF A COMMUNICATION Theodore S. Rappaport, Brian T. Gold and Roger R. Skidmore described in: NETWORK By inventor(s)_ the specification filed herewith. (check filed application Serial No. 0 one) issued Patent No. If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averting to their status as small entities. (37 C.F.R. §1.27) NAME **ADDRESS** Nonprofit Organization Small Business Concern [] Individual NAME **ADDRESS** Nonprofit Organization Small Business Concern [] Individual I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.F. §1.28(b)) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed. NAME OF PERSON SIGNING Theodore S. Rappaport TITLE OF PERSON SIGNING President ADDRESS OF FERSON SIGNING Wireless Valley Communications, Inc., 104 Hubbard Street, Blacksburg, Virginia 24060 SIGNATURE